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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,574	03/20/2002	Jean luc Philippe Bettiol	CM2192	4844

27752 7590 08/16/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

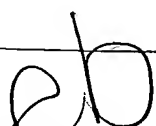
BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,574	Applicant(s) BETTIOL ET AL.	
	Examiner Charles I Boyer	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Jul 14, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 17, 28, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 refers to a composition having a suds suppressing system and a clarity value. There is no other guidance given to the reader as to how to make this invention. Detergents containing suds suppressors are extremely common in the art. It is possible that all of these detergent compositions will have a clarity value in the presently claimed range. It is also possible that none of them will. One of ordinary skill in the art would have to test each and every detergent composition using the method for determining the clarity value taught by applicants before they are assured they have a composition according to the present claims. This is an undue experimentation burden on one of ordinary skill wishing to make applicants' invention.

In line 7 of claim 17, "functionalized" is misspelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-17 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiedemann, US 5,359,963.

Wiedemann teaches foam inhibiting compositions for the pre-treatment of textiles, an example of such a composition comprises a defoaming composition containing a phosphate ester and isooctyl alcohol, and further comprises typical detergent additives wherein the pH of the composition is between 4 and 6.5 (col. 8, example A). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction value presently claimed, as the reference teaches a suds suppressing system containing the identical defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

4. Claims 15, 17-19, and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg et al, US 3,985,670.

Berg et al teach regulated foam washing compositions, an example of such a composition comprises a defoaming composition containing an amino triazine or silicone oil, and further comprises typical detergent additives such as phosphonate chelants and carboxymethylcellulose (col. 9, examples 2 and 3).

As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction value presently claimed, as the reference teaches a suds suppressing system containing the identical defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

5. Claims 15, 17, 21, 22, 25, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Crabtree et al, US 4,637,890.

Crabtree et al teach suds control agents for use in the rinse cycle of a washing machine, an example of such a composition comprises a defoaming composition containing soap, quaternary ammonium compound, silicone fluid, and fatty acid, and further comprises typical detergent additives such as polyaminocarboxylate chelants, silicate, and sodium carbonate (col. 10, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction value presently claimed, as the reference teaches a suds suppressing system containing the identical

defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

6. Claims 15, 17, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Guth et al, US 5,002,686.

Guth et al teach antifoaming detergent compositions used for pre-treating textiles, an example of such a composition comprises a silicone oil defoaming composition and further comprises typical detergent additives (col. 6, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction value presently claimed, as the reference teaches a suds suppressing system containing the identical defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

7. Claims 15-17, 21, 25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cao et al, US 5,972,869.

Cao et al teach an acidic suds control composition for use in the rinse cycle of a washing machine, an example of such a composition comprises a fatty acid defoamer, and further comprises typical detergent additives (col. 8, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction

value presently claimed, as the reference teaches a suds suppressing system containing the identical defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

8. Claims 15, 17, 21, 22, 25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Starch, US 4,978,471.

Starch teaches suds control agents for use in the rinse cycle of a washing machine, an example of such a composition comprises a defoaming composition containing silicone fluids, and further comprises typical detergent additives such as sodium citrate and sodium tripolyphosphate (col. 12, formulation D). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the clarity value and suds reduction value presently claimed, as the reference teaches a suds suppressing system containing the identical defoamers presently claimed, the examiner maintains the composition of the reference inherently possesses the properties presently claimed.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


10. Claims 15-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao et al, US 5,972,869.

Cao et al are relied upon as set forth above. Note that the composition of example 1 is used in a hand wash operation. With respect to specific detergent additives presently claimed, as these are all common additives for use in laundry detergents, they do not represent an unobvious difference over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner